



PATENT

Our Docket: P-LJ 4377

#6/e/e/c
AP
10/29/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 28 2002

TECH CENTER 1600/2900

In re Application of
Rajotte et al.

) Examiner: M. Moran
) Group Art Unit: 1631
)

Serial No.: 09/676,475

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
)

Filed: September 29, 2000

) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 857043795 US
)

For: METHODS OF IDENTIFYING
LUNG HOMING MOLECULES
USING MEMBRANE
DIPEPTIDASE

) DATE OF DEPOSIT: October 21, 2002
)

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
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Commissioner for Patents
Washington, D.C. 20231

) Mary Begalla
) (TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)
)

) Mary Begalla
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RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed
September 20, 2002, consideration of the following Remarks is
respectfully requested.

REMARKS

Claims 5 to 30 are presently pending in the
application.

The Examiner alleges that the inventions are directed
to the following patentably distinct species of membrane
dipeptidase (MDP)-binding homing molecules:

- (a) an MDP-binding homing molecule comprising SEQ ID
NO: 17, as set forth in claims 6 and 17;
- (b) an MDP-binding homing molecule comprising SEQ ID
NO: 1, as set forth in claims 7, 18 and 19;

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- (c) an MDP-binding homing molecule comprising SEQ ID NO: 2, as set forth in claims 7, 18 and 19; and
- (d) an MDP-binding homing molecule comprising a structure as set forth in claims 8 and 20.

Applicants traverse on the ground that the number of species is not unreasonable and that a search of all disclosed species encompassed by the generic claims would not require an unduly extensive or burdensome search on the part of the Examiner. Applicants submit that, while the listed species are patentably distinct, a thorough search of one species likely will result in art relevant to the examination of other species within the generic claim. Specifically, SEQ ID NOS: 1, 2 and 17 are related peptides, each including the "GFE" motif. Furthermore, SEQ ID NOS: 1 and 2, CGFECVRQCPCRC and CGFELETC, respectively, are species of the genus set forth as SEQ ID NO:17, X1-G-F-E-X2, wherein X1 and X2 each is 1 to 10 independently selected amino acids. For these reasons, a search of the disclosed species encompassed by the generic claims would not necessitate an unduly extensive or burdensome search by the Examiner.

Nevertheless, in order to be responsive to the requirement as required under 35 U.S.C. § 121, Applicants elect, with traverse, an MDP-binding homing molecule comprising SEQ ID NO: 17, as set forth in claims 6 and 17.

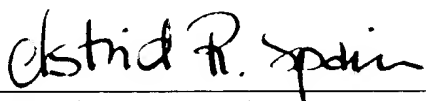
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CONCLUSION

Applicants appreciate the Examiner's reconsideration of the Election of Species Requirement. The Examiner is invited to call the undersigned attorney or Cathryn Campbell if there are any questions regarding this application.

Respectfully submitted,

Date: October 21, 2002


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OCT 28 2002 67/153/

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AMENDMENT TRANSMITTAL LETTER		DOCKET NUMBER: P-LJ 4377	
SERIAL NO: 09/676,475	FILING DATE: September 29, 2000	EXAMINER: M. Moran	GROUP ART UNIT: 1631
INVENTION: METHODS OF IDENTIFYING LUNG HOMING MOLECULES USING MEMBRANE DIPEPTIDASE			

TO COMMISSIONER FOR PATENTS

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Mary Begalla
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)
Mary Begalla
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Transmitted herewith is a Response to the Office Action mailed September 20, 2002, in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27.
- ☐ Petition for Extension of Time is enclosed (in duplicate).
- ☐ Terminal Disclaimer with fee under 37 C.F.R. 1.20(d) is enclosed.
- ☒ No additional claims fee is required.
- ☐ An additional claims fee is required and has been calculated as shown below:

CLAIMS AS AMENDED

	NUMBER AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE			FEE	
							SMALL ENTITY	OTHER ENTITY		SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	26	-	26	-	0	x	\$9	\$18	=	\$0	\$
INDEPENDENT CLAIMS	1	-	3	-	0	x	\$42	\$84	=	\$0	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/> YES		<input checked="" type="checkbox"/> NO		\$140	\$280	=	\$0	\$
							TOTAL ADDITIONAL FEE			\$0	\$

- * If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.
 - ** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.
 - *** If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 0, write "0" in the space.
- ☐ Please charge my Deposit Account No. 03-0370 the amount of \$_____. A duplicate copy of this sheet is enclosed.

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16. Also enclosed:

The filing fee is calculated below:

	NUMBER FILED		NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS	26 - 20	0	6	x	\$9 \$18	\$54
INDEPENDENT CLAIMS	1 - 3	=	0	x	\$39 \$78	\$0
MULTIPLE DEPENDENT CLAIMS ____ YES ____ X ____ NO					\$130 \$260	\$0
BASIC FEE					\$345 \$690	\$345
TOTAL FEE						\$399

17. x A check in the amount of **\$399.00** is enclosed, which covers the small entity filing fee. A duplicate copy of this sheet is enclosed.
18. ____ The filing fee is not enclosed. Do not charge our deposit account.
19. x The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. **03-0370**. A duplicate copy of this sheet is enclosed.

Address all future communications to:

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Respectfully submitted,

Date: September 29, 2000

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____ inventor(s)

x attorney or agent of record

____ assignee of complete
interest

____ filed under Sec. 1.34(a)